

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 03 CV 12307 RGS

JOSEPH CRISTOFORO,  
Plaintiff

VS.

JULIO LUPO,  
FRANK G. COUSINS, JR.,  
INDIVIDUALLY AND IN  
HIS CAPACITY AS  
ESSEX COUNTY SHERIFF, and  
CERTAIN UNKNOWN  
INDIVIDUALS  
Defendants

PLAINTIFF'S MOTION FOR AN  
ENLARGEMENT OF TIME IN  
WHICH TO SERVE PROCESS

Now comes the plaintiff, Joseph Cristoforo, and does hereby respectfully move, pursuant to Rule 4 and Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 4.1, that this Honorable Court enlarge the time within which he may serve the defendant Julio Lupo with a Summons and copy of the Complaint. As reasons therefore, the plaintiff states as follows:

1. That the plaintiff has made diligent efforts to secure the home address of the defendant Lupo, but has been unsuccessful to date.
2. That the defendant Lupo is apparently no longer employed with the Essex County Sheriff's Department, and thus cannot be served at a work location known to the plaintiff.
3. That the plaintiff has recently amended his Complaint and named the Sheriff of Essex County, Frank G. Cousins, Jr., as a defendant.
4. That the plaintiff anticipates that the defendant Sheriff will likely be able to access payroll records and the like which would provide a record of the defendant Lupo's home address.

5. That, according to Local Rule 4.1:

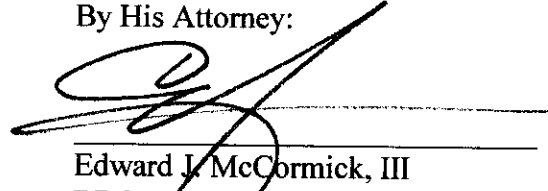
“Counsel and parties appearing pro se who seek to show good cause for the failure to make service within the 120 day period prescribed by Fed. R. Civ. P. 4(m) shall do so by filing a motion for enlargement of time under Fed. R. Civ. P. 6(b), together with a supporting affidavit.”

6. That, according to Rule 4(m) of the Federal Rules of Civil Procedure:

“... if the plaintiff shows good cause for the failure [to make service], the court shall extend the time for service for an appropriate period.”

7. That the plaintiff has shown good cause for the failure to make service by the instant motion and affidavit, and respectfully requests that this Court extend the time for service for an appropriate period.

JOSEPH CRISTOFORO,  
By His Attorney:



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